

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Elaine L. Chao, Secretary of Labor, )  
United States Department of Labor, )  
Plaintiff, ) C/A No. 2:03-CV-00653-DCN  
vs. )  
William Pinder, Jr. and Sea Island )  
Comprehensive Health Care Corporation )  
403(b) Plan, )  
Defendants. )  
\_\_\_\_\_  
)

**ORDER and OPINION**

This matter is before the court on defendant William Pinder, Jr.'s motion for a new trial pursuant to Federal Rule of Civil Procedure 59(a) or, in the alternative, to alter or amend the judgment entered on July 26, 2007, pursuant to Rule 59(e). Pinder has offered ten grounds to support his motion. The court has reviewed the parties' briefs and arguments, and concludes that none of the grounds offered by plaintiff warrants a new trial or amendment of the judgment.<sup>1</sup> Accordingly, it is hereby **ORDERED** that plaintiff's motion for a new trial or to amend the judgment be **DENIED**.

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<sup>1</sup>One of Pinder's arguments is that the court erroneously computed the amount of loss suffered by the plan and its participants. Specifically, Pinder asserts the court's conclusion "that the participants lost at least \$37,079.70 does not reconcile, since the Government is aware that the plan was awarded 78% of its submitted proof of claim of \$99,5050.32. Applying this percentage, the participants received \$77,614.77, which leaves a difference of \$21,891.15 as opposed to the court's assertion of \$37,079.70." Def. Mem. Supp. at 3. Even if Pinder is correct that the plan's loss was only \$21,891.15, the court's judgment was only for \$21,692.11 (the amount requested by plaintiff). Consequently, it is unclear why Pinder would deserve a new trial or amended when he admits in this motion that the evidence supported the court's original judgment.

**AND IT IS SO ORDERED.**



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**DAVID C. NORTON  
CHIEF UNITED STATES DISTRICT JUDGE**

**March 25, 2008  
Charleston, South Carolina**